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January 17, 2024

Hon. Cathy L. Waldor
Martin Luther King Jr. Courthouse
50 Walnut Street
Room 4040, Courtroom 4C
Newark, New Jersey 07101

RE: Vision Industries Group, Inc. v. ACU Plasmold, Inc.
Case No.: 2:18-cv-06296-ES-CLW

Dear Judge Waldor,

The undersigned represents Defendant ACU in this case. This letter is written to request leave to file a Sur-Reply to Plaintiff Vision's January 16, 2024 Reply Brief. Plaintiff's Reply Brief: (1) introduces new facts and new arguments not made below (not in Plaintiff's original brief, nor in Defendant's opposition); (2) makes blatant factual misrepresentations; and, (3) misquotes and mischaracterizes Defendant's positions taken in Defendant's opposition.

On page 6 last paragraph through page 7 end of second paragraph, Plaintiff introduces a new fact and a new argument not responsive to any points made in Defendant's opposition. In page 5 footnote 6, Plaintiff makes a blatant factual misrepresentation. On page 1 second bullet point, Plaintiff misquotes (purportedly from Doc No. 225, Brief in Opposition to Motion for Sanctions for Defendant's Failure to Comply with Discovery Orders, at 13-14) and mischaracterizes Defendant's position. Defendant should be given an opportunity to respond. In the event that the Court does not grant this application, then I am requesting oral argument.

Very Truly Yours,

/s/ Edward W. Miller
Edward W. Miller, Esq.

Cc: Adversaries